

REMARKS

Reconsideration of this application is requested. Specifically, reconsideration of this application is requested at least because the Final Office Action mailed November 29, 2002 fails to consider all the remarks in the previously mailed response filed on October 08, 2002. Particularly, the Final Office Action did not consider the remarks that the “Applicant does not claim in claim 24 to use a bipartite graph to generate a bid value,” as the Office Action mailed July 17 2002 (and the Final Office Action mailed November 29, 2002) states as cause for rejection.

Accordingly, the Applicant respectfully requests the Examiner to reconsider the application and remove this action from Final.

As a courtesy to the Examiner, the following are the remarks previously submitted to explain how at least these limitations distinguish the claims over the cited prior art.

Claim Rejections – 35 USC § 103(a)

Claims 1-30 were rejected under 35 U.S.C. §103(a) as being obvious over Luke et al, US patent number 6,131,087 (“Luke”) in view of Buss et al., US patent number 5,841,958 (“Buss”).

Claims 24-30

Claim 24 claims a method of generating multi-attribute bids, comprising:

collecting at least one set of multi-attribute bid values, each set of multi-attribute bid values having a set of nominal attribute values including a nominal bid value, said collecting also includes collecting at least one variance to the nominal attribute value of at least one attribute and a corresponding variance relative to said nominal bid value;

generating a set of bids for each set of multi-attribute bid values, each bid having a different combination of attribute values based on corresponding variances and nominal attribute values; and

generating a bid value for each bid based upon the combination of attribute values.

The office actions state "Luke does not explicitly disclose the step of generating a bid value for each bid based upon the combination of attribute values. However, Buss discloses the use of a bipartite graph for matching objects of one subset with objects of a different subset where multiple choices are permitted to provide a more efficient and faster process (col. 2, lines 14-21). Thus, it would have been within the level of ordinary skill in the art to modify the method of Luke by adopting the teaching of Buss to provide better efficiency and faster speed to the claimed method. Further, to use bipartite matching method as taught by Buss, a bid value for each bid based upon the combination of attribute values must be generated."

The Applicant respectfully traverses the rejection. **The Applicant does not claim in claim 24 to use a bipartite graph to generate a bid value.** The generated bid value, as claimed, is based on the different combination of attribute values based on corresponding variances and nominal attribute values, which may later be used to match compatible bid pairs of buyers and sellers. In contrast, the method of matching objects as taught in Buss does not relate in any way with generating a bid value but to matching objects. 50

Therefore, as acknowledged in the office action, Luke does not disclose the step of generating a bid value for each bid based upon the combination of attribute values and furthermore the combination of Luke and Buss does not teach this feature as stated above. Accordingly, Applicant submits that claim 24 is not obvious by Luke in view of Buss under 35 USC § 103(a), and respectfully requests the withdrawal of the rejection of the claim. Claims 25-27 are dependent on claim 24, therefore, at least for the reasons stated above, it is respectfully

submitted these claims are allowable over the cited prior art. Independent claim 28 has limitations similar to those recited in claim 24. Therefore, at least for the reasons stated above, claims 28-30 are patentable over the combination of Luke and Buss.

Claims 16-23 and 1-15

Claim 16 claims a dynamic trading method, comprising:

collecting at least one set of multi-attribute bid values from one or more buyers and at least one set of multi-attribute bid values from one or more sellers;

generating buyer bids from said at least one set of buyer multi-attribute bid values and seller bids from said at least each set of seller multi-attribute bid values; and

selecting automatically a pair of compatible bids between each buyer and each seller, the pair of bids having a highest difference between the selected generated buyer bid and selected generated seller bid.

Neither the Luke reference, the Buss reference, or a combination thereof, disclose a method of “generating buyer bids from said at least one set of buyer multi-attribute bid values and seller bids from the at least each set of seller multi-attribute bid values.” **The Luke reference does not generate bids based on the attributes, but rather generates a geometric object of the offer and solicitation attributes and uses the overlapping portions of those geometric objects to determine which buyer and seller may potentially match.** (column 6, lines 12-34). Therefore, the claimed method is not rendered obvious by this reference.

Furthermore, the Luke reference does not perform the limitation of “selecting automatically a pair of compatible bids between each buyer and each seller, the pair of bids having a highest difference between the selected generated buyer bid and selected generated seller bid.”

Specifically, the Luke reference discloses intersecting points that provide a buyer and seller with a starting point of negotiation (i.e. the space within which the parties can bargain to complete an

exchange). (col 6 lines 27-34). However, this is not the same as “selecting automatically a pair of compatible bids” as claimed. Furthermore, not only does the Luke reference not teach the **selecting automatically** limitation but given that the Luke reference does not generate bids, as claimed, the Luke reference could not teach **the method** of selecting automatically the pair of bids having **a highest difference between the selected generated buyer bid and the generated seller bid**. Combining the Buss reference (for performing Bipartite matching) with Luke does not overcome this rejection.

Accordingly, given that the combination of Luke and Buss does not teach each and every element of claim 16, the Applicant respectfully requests withdrawal of the rejection. Claims 17-23 are dependant on claim 16. Therefore, at least for the reasons stated above, the Applicant respectfully requests withdrawal of the rejections to these claims.

Claim 1, as amended, includes limitations similar to claim 16. Therefore, at least for the reasons stated above, the Applicant respectfully requests withdrawal of the rejection to claim 1. Claims 2-15 are dependant on claim 1. Therefore, at least for the reasons stated above, the Applicant respectfully request withdrawal of the rejections to these claims.

CONCLUSION

Applicant respectfully requests reconsideration of the application and submits that the rejections have been overcome by the remarks, and that the claims are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims be allowed.


The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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